

MITIGATED NEGATIVE DECLARATION

February 28, 2008

Project Name: Hiel TPM

Project Number(s): TPM 20925RPL³, Log No. 05-14-008

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for Fire Protection and Cultural Resources

1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment.

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that

there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. HAZARDS

1. Prior to issuance of a building permit, provide evidence to the County of San Diego that a minimum 6 foot high concrete masonry unit (CMU) or block fire wall has been installed on Parcel 2 as shown on the Fire Protection Plan dated November 27, 2007, on file with the Department of Planning and Land Use as Environmental Review Number 05-14-008. Placement of the fire wall is required at the conclusion of the grading activity and prior to rough grading sign off.

C. ARCHAEOLOGICAL RESOURCES

1. Prior to approval of grading and/or improvement plans, the applicant shall: take the following action related to the grading monitoring and data recovery program to mitigate potential impacts to undiscovered buried archaeological resources to the satisfaction of the Director of Planning and Land Use.
 - a. Provide evidence to the satisfaction of the Director of Planning and Land Use that a County certified archaeologist has been contracted to implement a grading monitoring and data recovery program. A letter from the Principal Investigator shall be submitted to the Director of Planning and Land Use. The letter shall include the following guidelines: [DPLU, FEE]

- (1) The project archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2006).
- (2) The County certified archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2006).
- (3) The project archaeologist shall monitor all areas identified for development including off-site improvements.
- (4) An adequate number of monitors (archaeological/historical/Native American) shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities for areas to be monitored.
- (5) During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite as determined by the Project Archaeologist of the excavations. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator.
- (6) Isolates and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.
- (7) In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance

operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal Investigator and approved by the County Archaeologist, then carried out using professional archaeological methods.

- (8) If any human bones are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant (MLD) as identified by the Native American Heritage Commission shall be contacted by the Principal Investigator in order to determine proper treatment and disposition of the remains.
- (9) Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The Principal Investigator shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
- (10) In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for

permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

- (11) In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Director of Planning and Land Use prior to the issuance of any building permits. The report shall include Department of Parks and Recreation Primary and Archaeological Site forms.
 - (12) In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.
- 2. Provide Evidence to the satisfaction of the Director of Public Works (DPW) or Department of Planning and Land Use (DPLU) that the following notes have been placed on the Grading Plan:
 - a. The County certified archaeologist/historian and Native American monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program.
 - b. The project archaeologist shall monitor all areas identified for development including off-site improvements.
 - c. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite as determined by the Project Archaeologist of the excavations. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously

disturbed deposits will be determined by the Principal Investigator.

- d. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal investigator and approved by the County Archaeologist, then carried out using professional archaeological methods.
- e. The archaeological monitor(s) and Native American monitor shall monitor all areas identified for development.
- f. If any human bones are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Principal Investigator in order to determine proper treatment and disposition of the remains.
- g. Prior to rough grading inspection sign-off, provide evidence that the field grading monitoring activities have been completed to the satisfaction of the Director of Planning and Land Use. Evidence shall be in the form of a letter from the Principal Investigator. [DPLU, FEE]
- h. Prior to Final Grading Release, submit to the satisfaction of the Director of Planning and Land Use, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall include the following:

Department of Parks and Recreation Primary and Archaeological Site forms.

Evidence that all cultural collected during the grading monitoring program has been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

Or

In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the Principal Investigator that the grading monitoring activities have been completed.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. AESTHETICS

The final design of the project shall substantially conform to the Tentative Parcel Map approved with this permit, which includes the following design elements:

1. The project building and layout have been designed to minimize grading.
2. Where possible the project has been designed to leave the natural slope of the site intact.

3. All cut and fill slopes in excess of three feet in vertical height will be planted and maintained in accordance with San Diego County Grading Ordinance.

B. HAZARDS

1. Prior to issuance of building permits the applicant shall demonstrate that the following elements are included in the design of the project:
 - a. Construct a private road easement (un-named), from Marlinda Way to Parcel 1. The road shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete.
 - b. Zone 1 defensible space (50 feet adjacent to the proposed residence) will be installed and maintained on the new lot. Zone 2 defensible space will be accomplished using both the proposed 6-foot high on-site masonry wall in conjunction with the clearing requirements set forth in the Sky Ranch Habitat Management Plan, with the goal being not to duplicate fire clearing requirements.
 - c. The proposed home shall on the new lot is required to be constructed with approved automatic fire sprinkler system installed by a licensed fire sprinkler contractor. Separate plans are required to be submitted to the Fire Department for approval prior to installation.
 - d. The home shall be constructed to current Santee UWI requirements including a "Class A" roof assembly, noncombustible exterior walls, eaves, etc.
 - e. Grant to the County of San Diego by separate document, an Avigation (Aviation) Easement over the entire area of all lots shown on the Tentative Parcel Map.

C. HYDROLOGY AND WATER QUALITY

1. Prior to obtaining any building permit pursuant to this Tentative Parcel Map, the applicant shall:
 - a. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are

subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

D. LAND USE AND PLANNING

The following design elements will allow the project to maintain consistency with the County General Plan, the Lakeside Community Plan and the Zoning Ordinance.

1. All existing and proposed structures will be required to conform to the setbacks required by the San Diego County Zoning Ordinance.
2. The proposed structure will meet the required height limit of 2 stories, 35-feet maximum.
3. The proposed parcel will be required to provide two (2) off-street parking spaces.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

RICHARD GRUNOW, Planning Manager
Regulatory Planning Division

RG:MS:jcr

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